



Express Mail No. EM354412351US

PATENT  
Atty. Docket No. CRP-137  
(2054/106)

1801  
H2  
9-24-97

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): David C. Rueger and Marjorie M. Tucker

RECEIVED

SERIAL NUMBER: 08/822,186 GROUP NUMBER:

JUL 16 1997

FILING DATE: March 20, 1997 EXAMINER:

GROUP 1800

TITLE: IMPROVED OSTEOGENIC DEVICES AND METHODS OF USE  
THEREOF FOR REPAIR OF ENDOCHONDRAL BONE AND  
OSTEOCHONDRAL DEFECTS

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10

I hereby certify that the attached document and any documents referred to as attached thereto, is/are being deposited with the United States Postal Service, postage prepaid, on June 20, 1997 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service, mailing label number EM354412351US, in an envelope addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, DC 20231.

  
Laura G. Lieberman

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the references listed on the accompanying PTO Form 1449 for consideration by the Examiner in connection with the examination of the above-identified patent application. Copies of the cited documents are enclosed.

## REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed (CHECK ONE):

- (1) within three (3) months of the **Filing Date** or before the mailing date of the **First Office Action** on the merits; or
- (2) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and
  - the requisite Certification is attached hereto, **OR**
  - the requisite fee under Rule 1.17(p), namely **\$220.00**, is included herein, or
- (3) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, **AND**
  - Applicant hereby Petitions the Commissioner to accept and consider the attached Information Disclosure Statement, **AND**
  - the requisite Certification, is attached hereto, **AND**
  - the requisite petition fee due under Rule 1.17(i)(I), namely **\$130.00** is included herein.

It is respectfully requested that each of the documents shown on the attached form PTO-1449 be made of record in this application.

## CERTIFICATION

As required under §1.97(e), Applicants, through the undersigned, hereby certify either that [check the appropriate space]:

- 1. [E]ach item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application **not more than** three months prior to the filing date of the Statement; or
- 2. [N]o item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this Certification after

making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

**FEE AUTHORIZATION**

Should any fee associated with the submission of this paper not be attached hereto as a check, the Commissioner is authorized to charge the missing fee to our Deposit Account, No. 20-0531. Any overpayments should be credited to said Deposit Account.

Date: 20 June 1997

Reg. No. 39,061

Tel. No. (617) 248-7368  
Fax: (617) 248-7100



Christine C. Vito, Ph.D.  
Attorney for Applicant(s)  
Testa, Hurwitz, & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110

431JLC2054/106.335309-1